IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.16051 of 2006
Date of decision : 10.10.2006

Chandigarh Area M.E.S.Workers Union & others

....Petitioners

Versus

Union of India and others

...Respondents

CORAM : HON'BLE MR.JUSTICE UMA NATH SINGH
HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.S.R.Kapur, Advocate
for the petitioners.

...

MAHESH GROVER, J.(Oral)

The petitioners have invoked the jurisdiction of this Court under Article 226/227 of the Constitution of India impugning the order dated 18.1.2006, Annexure P.14.

The case of the petitioners is that respondent No.5 was not a registered trade union and was, therefore, ineligible to participate in the elections for representation to the Joint Consultation Machinery Councils (referred to as 'JCMs' in the petition). A representation was submitted by the Indian National Defence Workers Federation (INDWF) and one Pradeep Kumar to say that M.E.S. Workers Union (Area Committee), Ambala is not a registered trade union either in Punjab, Haryana, Chandi Mandir or anywhere in the jurisdiction of Chief Engineer, Chandigarh Zone. This complaint by

INDWF and the other bodies was duly inquired into by the Deputy DG (CP), who after hearing both the sides and perusing the record produced before him came to the conclusion that respondent No.5 was in deed a registered trade union whose registration had not been cancelled and whose identity was valid and was in existence.

The only contention raised by the learned counsel for the petitioners is that respondent No.5 is not a registered trade union and that the impugned order is contrary to the record.

We have anxiously considered the contention raised by the learned counsel for the petitioners and are unable to agree with the same. Whether the trade union was a registered trade union or not is a question of fact established by the competent authority while passing the impugned order dated 18.1.2006 which cannot be gone into in writ jurisdiction. Both the parties had submitted themselves to the jurisdiction of this authority and had produced the record in support of their respective contentions. Besides, the order was passed on 18.1.2006 and opportunity had been granted to the concerned and affected persons to move a review application within 18 days w.e.f. 19.1.2006 in case there is any alteration of material facts. No such application was filed and the order attained finality.

For the foregoing reasons, since the writ petition involves disputed question of fact and being devoid of any merit is dismissed as such.

The petitioners, if so advised, may take recourse to any

other remedy to establish the disputed question of fact before the court of competent jurisdiction.

(MAHESH GROVER)
JUDGE

10.10.2006

(UMA NATH SINGH)
JUDGE

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